

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**DOUGLAS LEUSCHEN,**  
**Petitioner,**

**VS.**

**COMMONWEALTH OF  
PENNSYLVANIA,  
Respondents.**

**C.A. No. 05-157 Erie  
District Judge McLaughlin  
Magistrate Judge Baxter**

## ORDER

AND NOW, this 3rd day of January, 2006;

IT IS HEREBY ORDERED that Petitioner's motion for summary judgment [Document # 14] be DISMISSED as such motions are inappropriate in habeas corpus proceedings. The supplemental pleading, as well as all other pleadings, will be reviewed at the time of the Report and Recommendation.

IT IS FURTHER ORDERED that Respondent may respond to the supplemental pleading before February 3, 2006.

IT IS FURTHER ORDERED that the parties are allowed ten (10) days from this date to appeal this order to a district judge pursuant to Local Rule 72.1.3 B. Failure to appeal within ten (10) days may constitute waiver of the right to appeal.

S/ Susan Paradise Baxter  
SUSAN PARADISE BAXTER  
CHIEF UNITED STATES MAGISTRATE JUDGE